

Constitution of State Security
Commission.

Government of Maharashtra,
Home Department,
Government Resolution No. NPC 1008/2/CR-6/POL-3,
Mantralaya, Mumbai 400 032.
Dated the 25th July, 2008

READ : Judgment dated 22.9.2006 of the Supreme Court of India in Writ Petition (Civil) No. 310/1996 in Prakash Singh and Others Vs. Union of India and Others.

BACKGROUND : The Government of India had appointed a National Police Commission (NPC) for fresh examination of the role and performance of the police, both as a law enforcing agency and as an institution to protect the rights of citizens enshrined in the Constitution of India. The NPC after examining all the issues in depth, submitted various reports and the final report in 1981. Prakash Singh and Others had filed Writ Petition (Civil) No. 310 of 1996 against Union of India and Others under Article 32 of the Constitution of India for direction to implement the report of the NPC and to frame a new Police Act in order to ensure that the police is accountable essentially and preliminarily to the law of the land and the people.

The Hon'ble Supreme Court of India, while deciding the said Writ Petition by its judgment dated 22.9.2006, has held that it is essential to lay down guidelines to be operative till the new legislation is enacted by State Governments. The Hon'ble Supreme Court of India has issued directions under Article 32 read with Article 142 of the Constitution of India for the constitution of a State Security Commission as per one of the models suggested and with appropriate functions.

ROTE/H-1604(A)(300-7-08)-1

RESOLUTION :

In pursuance of the judgment of the Hon'ble Supreme Court of India and till appropriate changes are made in the Bombay Police Act, 1951 on the lines of Supreme Court directions, the Government of Maharashtra hereby constitutes the State Security Commission as under :

- | | |
|--|-------------------------|
| 1. Deputy Chief Minister / Minister in Charge of the Home Department | -Ex-Officio Chairperson |
| 2. Leader of the Opposition in the State Legislative Assembly | - Member |
| 3. Chief Secretary | - Member |
| 4. Additional Chief Secretary, Home Department - | - Member |
| 5. Two Non-official members (one of whom will preferably be a woman) | - Member |
| 6. The Director General of Police. | - Ex-officio secretary. |
2. No person shall be appointed as a non-official member if he/she -
- (i) is not a citizen of India; or
 - (ii) has been convicted of any criminal offence by a Court of law or against whom criminal charges have been framed in a court of law; or
 - (iii) has been dismissed or removed from Government, Semi Government or private service or compulsorily retired on grounds of corruption or inefficiency or moral turpitude or any kind of misconduct; or
 - (iv) has been debarred from holding any public office or from contesting any election; or
 - (v) holds or has held an elected political office, including that of Member of Parliament or a State Legislature or a local body, or is or was an office bearer of any

political party or any organization connected with a political party or

- (vi) is of unsound mind.

3. A non-official member appointed may be removed on any of the following grounds :

- (i) proven incompetence;
- (ii) proven misbehavior or misuse or abuse of powers vested to him;
- (iii) failure to attend three consecutive meetings of the State Security Commission without sufficient cause;
- (iv) incapacitation by reasons of physical or mental infirmity;
- (v) otherwise becoming unable to discharge his functions as a member;
- (vi) conviction by a court of law in an offence punishable under clause XII, XVI or XVII of the Indian Penal Code, 1860 or where charges have been framed against him by a court of law for moral turpitude.

4. The terms of office of a non-official member shall be for a period not exceeding three years. The other terms and conditions of such member shall be such as may be prescribed.

5. The State Security Commission shall exercise powers and perform functions as follows :

- (i) to advise the State Government on policy guidelines for promoting efficient, effective, responsive and accountable policing the State;
- (ii) to assist the State Government in identifying performance indicators to evaluate the functioning of the Police Force. These indicators shall, inter alia, include the operational efficiency, public satisfaction,

victim satisfaction vis-a-vis police investigation and response, accountability, optimum utilization of resources and observance of human rights standards;

- (iii) to review periodically the performance of the Police Force;
- (iv) to recommend for the steps to be taken efficient performance of preventive tasks and service oriented functions of the Police Force;
- (v) to review and evaluate the organizational performance of the police against -
 - (a) the performance indicators as identified and laid down by the Commission itself;
 - (b) the resources available with, and constraints faced by the police.
- (vi) to suggest policy guidelines for gathering information and statistics related to police work;
- (vii) to suggest ways and means to improve the efficiency, effectiveness, accountability and responsiveness of the police and
- (viii) such other functions as may be assigned to it by the State Government from time to time.

6. This Government Resolution is available on the website of the Government of Maharashtra (www.maharashtra.gov.in) and its computer code is 20080725152323001.

By order and in the name of the
Governor of Maharashtra,

S.A.Jaywant
(S.A. Jaywant)
Deputy Secretary to Government.

Copy to :

Home Secretary, Government of India;

P.A. to the Chief Minister;

P.A. to the Dy. Chief Minister;

P.A. to the Leader of Opposition, State Legislative Assembly;

P.A. to the Chief Secretary;

P.A. to the Addl. Chief Secretary (Home);

P.A. to the Addl. Chief Secretary (Services) General Administration Department;

P.A. to Principal Secretary, Law & Judiciary Department;

The Director General of Police;

All Range Inspector General of Police,

All Divisional Commissioners (Revenue)

All Commissioners of Police,

All District Collectors;

All Superintendent of Police,

All Joint Secretaries/Deputy Secretaries, Home Department.

Select file.

H-1604(A)(300-7-08)-3.